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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DISTRICT

**THE ESTATE OF ROBERT
MATTHEW BENNETT, LISA D.
MORRISON**, in her capacity as
personal representative,

Plaintiff,

v.

CENTRAL CITY CONCERN, a
domestic non-profit corporation,
**CASCADIA BEHAVIORAL
HEALTHCARE INC.**, a domestic
non-profit corporation,
CHRISTOPHER HOBART, MD,

Defendants.

Case No. 3:19-cv-00199

**NOTICE OF REMOVAL OF CIVIL
ACTION**

PLEASE TAKE NOTICE that the civil action *The Estate of Robert Matthew Bennett v. Central City Concern, et al.*, Multnomah County Circuit Court Case No. 18CV40542, is hereby removed to this Court by the United States of America pursuant to 42 U.S.C. §233(c). The United States provides the following grounds for removal:

1. On or about September 12, 2018, the following civil action alleging medical malpractice was filed: *The Estate of Robert Matthew Bennett v. Central City Concern, et al.*, Multnomah County Circuit Court, State of Oregon, Case No. 18CV40542.

2. Defendant Christopher Hobart, MD was at all relevant times an employee of Central City Concern, who was acting within the scope of his employment.

3. Defendant Central City Concern was deemed by the Secretary of Health and Human Services to be, at all relevant times, an employee of the Public Health Service and therefore eligible for Federal Tort Claims Act coverage pursuant to 42 U.S.C. § 233(g). See Exhibit 1.

4. Pursuant to the authority delegated by the United States Attorney for the District of Oregon, the Chief of the Civil Division of the U.S. Attorney's Office has certified that Christopher Hobart, MD was acting within the

course and scope of his employment with Central City Concern at the time of the incident out of which the Plaintiff's claim arose. *See* Exhibit 2.

5. The United States has the statutory right to remove this action to federal court. *See* 42 U.S.C. § 233(c). Upon certification, the action “shall be removed without bond at any time before trial by the Attorney General to the district court of the United States of the district and division embracing the place wherein it is pending and the proceeding deemed a tort action brought against the United States under the provisions of title 28 and all references thereto.” 42 U.S.C. § 233(c).

6. Therefore, the United States should be substituted as a defendant in the action in place of Central City Concern and Christopher Hobart, MD.

7. Accompanying this Notice of Removal of Civil Action, the United States is filing a copy of all process, pleadings, and orders in this action. *See* Exhibit 3.

8. A copy of this Notice of Removal of Civil Action is being served upon the Plaintiff and Co-Defendant and a copy shall be filed with the Court Clerk of Multnomah County, Oregon.

DATED this 8th day of February, 2019.

BILLY J. WILLIAMS
United States Attorney
District of Oregon

/s/ Alison Milne
ALISON MILNE
Assistant United States Attorney
Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Notice of Removal of Civil Action** were placed in a postage prepaid envelope and deposited in the United States Mail according to established office procedure within the office of the United States Attorney at Portland, Oregon, on February 8, 2019, addressed to:

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/s/ Alison Milne
ALISON MILNE
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